

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

SEPTEMBER 12, 2006

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, September 12, 2006 at 3:16 p.m., in Committee Room #2**. The following members were present:

**The Honorable Cleta Winslow, Chair
The Honorable C. T. Martin, Vice-Chair
The Honorable Ivory L. Young, Jr.
The Honorable Anne Fauver
The Honorable H. Lamar Willis
The Honorable Joyce Sheperd
The Honorable Carla Smith**

Others present at the meeting were: Roger Bhandari and Dianne Mitchell, Law Department; Deputy Chiefs, Carlos Banda and Harold Dunovant, Majors P. M. Williams and C. J. Davis, Police Department; Fire Captain, Roderick Smith; Doug Mincher, Courts; City Solicitor, Raines Carter; the media, public and Council Staff.

Chair Cleta Winslow called the meeting to order at 3:16 p.m. after declaring a quorum present. She then proceeded with the following order of business.

A. **ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD TWO RESOLUTIONS**

B. **APPROVAL OF MINUTES - APPROVED**

CONSENT

C. **RESOLUTIONS**

Claims with favorable recommendations:

06-R-1989 (1) Claim of **Willie R. Greenway, Jr. and Cedric Greenway**, for damages alleged to have been sustained from an automobile accident on June 27, 2006 at 675 Ponce de Leon Avenue, NE. **\$4,623.97**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 06-R-1990 (2) Claim of **State Farm Insurance Company, as subrogee of William Falconer**, for damages alleged to have been sustained as a result of a vehicular accident on May 7, 2006 at 471 West Wesley. **\$4,141.55**
- 06-R-1991 (3) Claim of **James Nye**, for damages alleged to have been sustained as a result of a vehicular accident on August 16, 2006 at 3330 Piedmont Road, NE. **\$5,332.05**
- 06-R-1992 (4) Claim of **Henry Brocks, Jr.**, for damages alleged to have been sustained from an automobile accident on August 1, 2006 at North Avenue, NW and Spring Street, NW. **\$3,408.12**
- 06-R-1993 (5) Claim of **Progressive Insurance, as subrogee of Terry J. Greer**, for damages alleged to have been sustained as a result of an automobile accident on February 15, 2006 at Beverly Road and Montgomery Ferry Road. **\$3,108.27**
- 06-R-1994 (6) Claim of **James Weis**, for damages alleged to have been sustained as a result of striking a pothole on February 13, 2006 at 1071 Monroe Drive. **\$1,470.97**
- 06-R-1995 (7) Claim of **Terry Newdow**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on July 10, 2004 at 1700 North Pelham Road. **\$1,083.26**
- 06-R-1996 (8) Claim of **Helen F. Whaley**, for damages alleged to have been sustained when a vehicle drove over a sanitary sewer construction site that was left open and in an unsafe manner on June 6, 2005 at 815 W. Paces Ferry Road, NW. **\$931.36**

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 06-R-1997 (9) Claim of **Sheri K. Guell**, for damages alleged to have been sustained as a result of striking a pothole on February 16, 2006 at 5901 Peachtree Dunwoody Road.
- 06-R-1998 (10) Claim of **Patrice Beard**, for vehicular damages alleged to have been sustained from an automobile accident on June 4, 2005 at Morris Brown Drive, NW and Martin Luther King, Jr. Drive, NW.
- 06-R-1999 (11) Claim of **WCC Landscaping Maintenance Compay, through its attorney, Theodore H. Lackland**, for damages alleged to have been sustained as a result of issues related to a maintenance contract at the airport.
- 06-R-2000 (12) Claim of **Christopher Perry**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on November 23, 2004 at 2868 Andrews Drive, NW.
- 06-R-2001 (13) Claim of **Sherry Morgan**, for property damages alleged to have been sustained from flooding on September 15, 2004 at 966 Lawton Street, SW.
- 06-R-2002 (14) Claim of **Sharon Mims**, for damages alleged to have been sustained as a result of driving through a construction area on July 28, 2004 on Metropolitan near Deckner Avenue.
- 06-R-2003 (15) Claim of **Nikia Smith, through her attorney, Paul C. Garrison**, for damages alleged to have been sustained as a result of an automobile accident on November 26, 2003 at 2669 James Jackson Parkway and Peyton Road, NW.
- 06-R-2004 (16) Claim of **Teresa L. Murphy, through her attorney, Clint Rhodes, Esq.**, for damages alleged to have been sustained when the City failed to pay retirement benefits to a divorced spouse at an unspecified time at 55 Trinity Avenue, SW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 06-R-2005 (17) Claim of **Marcus Frazier**, for damages alleged to have been sustained from an unspecified incident at an unspecified time and location.
- 06-R-2006 (18) Claim of **Juliann Mahony**, for damages alleged to have been sustained as a result of a slip and fall incident on April 8, 2006 at 550 Cresthill Avenue, NE.
- 06-R-2007 (19) Claim of **Judith B. Hammond**, for damages alleged to have been sustained as a result of striking a damaged water valve on September 3, 2005 at 1825 Piedmont Avenue.
- 06-R-2008 (20) Claim of **Annie Mae Smith, through her attorney, Lamonte E. Scott**, for damages alleged to have been sustained as a result of a slip and fall incident on August 3, 2004 at 1550 Glenwood Avenue, SE.
- 06-R-2009 (21) Claim of **Joel Stockham**, for property damages alleged to have been sustained from sanitary sewer and storm water backup on September 18, 2004 at 251 West Lake Drive, NW.
- 06-R-2010 (22) Claim of **Mohammad Mohiuddin**, for damages alleged to have been sustained as a result of driving over a construction cut on January 19, 2006 at East Paces Ferry Road and Piedmont Road.
- 06-R-2011 (23) Claim of **Godfrey Finch, Sr.**, for damages alleged to have been sustained as a result of driving over a pothole on March 23, 2006 at 65 Joseph E. Lowery Boulevard.
- 06-R-2012 (24) Claim of **John A. Roberts**, for damages alleged to have been sustained as a result of a water meter leak on February 28, 2005 at 185 River North Drive, NW.
- 06-R-2013 (25) Claim of **Marquise Brooks**, for damages alleged to have been sustained as a result of driving over a pothole on January 13, 2006 at East Ponce de Leon near Hambrick Road.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 06-R-2014 (26) Claim of **Ellen Malow**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on September 23, 2005 at Monroe and Monroe Circle.
- 06-R-2015 (27) Claim of **Allen M. Jones, through his attorney, John R. Bevis**, for damages alleged to have been sustained as a result of a slip and fall incident on January 26, 2006 at Cone Street and Carnegie Way.
- 06-R-2016 (28) Claim of **Sy-Chuong T. Le**, for damages alleged to have been sustained as a result of striking a pothole on June 11, 2006 at 330 Bedford Place, NE.
- 06-R-2017 (29) Claim of **Claudette Solomon**, for damages alleged to have been sustained during an arrest on June 23, 2006 at 180 Auburn Avenue.
- 06-R-2018 (30) Claim of **Travelers Insurance, as subrogee of Quintonia Boles**, for damages alleged to have been sustained as a result of a tree falling on her property on May 10, 2006 at 1970 Austin Road, SW.
(Councilmember Sheperd made a motion to approve items C1-C30.)

FAVORABLE

D. ORDINANCES FOR FIRST READING

- 06-O-2019 (1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 150, Article IV, Division III, Section 150-131 (b) of the City of Atlanta Code of Ordinances, to delete the phrase "Special Police Officers" and replace it with "Code Enforcement Agents"; to waive conflicting ordinances; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

ORDINANCES FOR FIRST READING (CONT'D)

06-O-2020 (2) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 106, Article VI, Division III, Section 106-307 (b) of the City of Atlanta Code of Ordinances, to delete Special Officers from the list of employees authorized to carry a weapon; to waive conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

06-O-2021 (3) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 98, Article II, Division 1, Section 98-51 of the City of Atlanta Code of Ordinances, entitled "Authorization for the Chief of Police to administer oath of office for Sworn Police Officers"; to delete the phrase "Special Police Officer(s)"; to waive conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

06-O-2022 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 98, Article I, Section 98-1 of the City of Atlanta Code of Ordinances, entitled "Special Police Officers"; to rename these appointees, provide for their appointment, training and tenure and clarify their roles and authority; to waive conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

06-O-2023 (5) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 114, Article VI, Division 4, Section 114-572(a) of the Code of Ordinances of the City of Atlanta, Georgia entitled "Drug and/or Alcohol Analysis" as it pertains to Sworn Employees of the Departments of Police, Fire and Rescue and Corrections; to waive conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

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ORDINANCES FOR FIRST READING (CONT'D)

06-O-2024 (6) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 114, Article VI, Division 4, Section 114-571 of the Code of Ordinances of the City of Atlanta, Georgia entitled "Supervisor's Responsibilities and Guidelines" as it pertains to Sworn Employees of the Departments of Police, Fire and Rescue and Corrections; to waive conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

06-O-2025 (7) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 74, Article IX, Division 2, Section 74-440 of the City of Atlanta Code of Ordinances, entitled "Access and Inspection of Properties and Facilities", so that certain duly authorized agents of the Department of Watershed Management may become Code Enforcement Agents; to waive conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

06-O-2026 (8) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article III, Division 1, Section 30-59 of the City of Atlanta Code of Ordinances, entitled "Compliance Investigators", so that compliance investigators are eligible to apply for status as Code Enforcement Agents; to waive conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

06-O-2027 (9) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 130, Article I, Section 130-2 (c) of the City of Atlanta Code of Ordinances, so that certain duly authorized agents of the Department of Public Works or other City Departments may become Code Enforcement Agents; to waive conflicting ordinances; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. ORDINANCE FOR SECOND READING

- 06-O-1908 (1) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes.
(Councilmember Martin made a motion to hold for a work session.)

HELD

F. RESOLUTIONS

- 06-R-2028 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Renewal Lease Agreement with ASI Properties, Inc. for the rental of 5026 square feet of office space located at 3120 Maple Drive, Atlanta, Georgia, for the Department of Police Zone Two Precinct, from the period of February 1, 2007 until January 31, 2008, at a rental rate of \$86,698.50 per year to be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) 525001 (Rental/Leases) X42002 (Non Capital-Zone 2); and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 06-R-2029 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Lease Agreement with the City of Sandy Springs for the use of Fire Station 39, located at 4697 Wieuca Road, NW, Atlanta, Georgia, for a period of five years, at a rate of \$1.00 per year to be deposited to Fund, Account and Center Number: 1A01 (General Fund) 462201 (Building Rentals) B00001 (General-Revenue Center); to enter into an Agreement of Mutual Aid and Automatic Response with the City of Sandy Springs; to terminate the Lease Agreement between the City of Atlanta and Fulton County for Fire Station 39; and for other purposes.
(Councilmember Martin made a motion to hold for further review.)

HELD

- 06-R-2030 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta Municipal Court, to collect State Mandated Surcharges pursuant to O.C.G.A. 15-21-179 (Drivers Education and Training Fund-Joshua's Law); O.C.G.A. 40-6-391 (D.U.I. Photo Publication Fee); O.C.G.A. 15-21-140 (Brain and Spinal Injury Trust Fund); O.C.G.A 17-15-13 (Crime Victims Emergency Fund); O.C.G.A 15-21-2 (Department of Public Safety-Motorcycle Unit); and for other purposes.
(Councilmember Fauver made a motion to approve.)

FAVORABLE

G. PAPERS HELD IN COMMITTEE

- 06-O-0204 (1) An Ordinance by Councilmember Jim Maddox to amend Article XXIV, Section 30-1461 et seq. of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" so as to adopt the recommendations of the Private Property Vending Policy and Advisory Committee said recommendations being hereto attached as Exhibit "A"; to repeal conflicting Ordinances; and for other purposes.
(Held 1/10/06 for further review) (Work session held 2/22/06)

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-R-0433 (2) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**
- 06-R-0633 (3) Claim of **Gregory V. Burson, Jr.**, for damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW. **(Held 3/14/06 for further investigation at the request of Councilmember Smith)**
- 06-O-1044 (4) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**
- 06-O-1045 (5) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-57(a)(3) so as to delete residency requirements for securing or maintaining Vehicle for Hire CPNC's; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**
- 06-O-1142 (6) An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. **(Held 6/13/06 for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1601 (7) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. **(Held 8/15/06 for further review.)**
- 06-R-1719 (8) Claim of **Kay E. Stephensen and Mark T. Gilliland**, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE. **(Held 8/15/06 at request of Councilmember Fauver.)**

H. ITEMS NOT ON THE AGENDA

RESOLUTIONS

- 06-R-2059 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to extend a Retainer Agreement with the Law Firm of Morris, Mannings and Martin to serve as outside counsel to the City of Atlanta in connection with cases styled; Veolia Water North America Operating Services LLC F/K/A U. S. Filter Operating Service, Inc. v. City of Atlanta, Civil Action No. 06-CV-1457; City of Atlanta v. Veolia Water North America Operating Services LLC F/K/A U. S. Filter Operating Service, Inc., Civil Action No. 2006-CV-119510; City of Atlanta v. Veolia Environnement, S.A. F/K/A Vivendi Environnement, S. A., Civil Action No. 1:06-CV-1631; Veolia Water North America Operating Services LLC F/K/A U. S. Filter Operating Services, Inc. v. City of Atlanta, Civil Action No. Civil Action No. 2006-CV-118577; to authorize expenditures for that purpose in an amount not to exceed \$1,500,000.00 to be charged to and paid from Fund, Account and Center Number: 2J01 (Water and Waste Water) 524001 (Professional Consultant Services) Q30001 (Deputy Commissioner, Treatment & Collection). **(Councilmember Sheperd made a motion to approve.)**

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ITEMS NOT ON THE AGENDA (CONT'D)

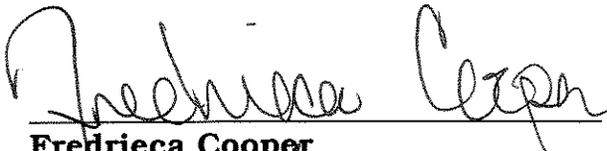
06-R-2060 (2) A Resolution by Public Safety and Legal Administration Committee to amend Resolution 06-R-1692 authorizing payment in the amount of \$3,719.62 in settlement of the claim of Louise Thomas against the City of Atlanta; and for other purposes.

(Councilmember Fauver made a motion to approve.)

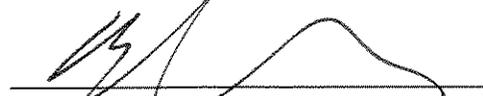
FAVORABLE

There being no further business to come before the Committee, the meeting was adjourned at 4:45 p.m.

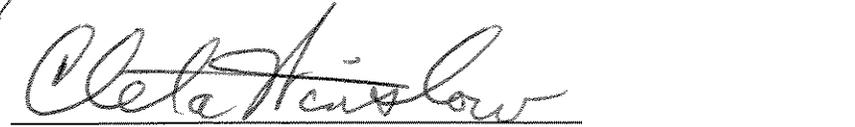
Respectfully Submitted:



Fredrieca Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Cleta Winslow, Chair
Public Safety and Legal Administration Committee

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AGENDA

SEPTEMBER 12, 2006

COMMITTEE MEMBERS' REQUEST TO THE DEPARTMENTS

RESOLUTION

- 06-R-2029 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Lease Agreement with the City of Sandy Springs for the use of Fire Station 39, located at 4697 Wieuca Road, NW, Atlanta, Georgia, for a period of five years, at a rate of \$1.00 per year to be deposited to Fund, Account and Center Number: 1A01 (General Fund) 462201 (Building Rentals) B00001 (General-Revenue Center); to enter into an Agreement of Mutual Aid and Automatic Response with the City of Sandy Springs; to terminate the Lease Agreement between the City of Atlanta and Fulton County for Fire Station 39; and for other purposes.
(Councilmember Martin made a motion to hold for further review.)

Atlanta Fire Rescue Department

1. Councilmember Martin requested the Council Staff to analyze The Mutual Aid and Lease Agreements to determine if their terms are in the best interest of the City.
2. Councilmember Fauver requested a Geographic Map of the Area.
3. Councilmember Willis requested a list of comparable properties in the area. What they are worth, what they are leasing for, and what are the selling prices for these properties?
4. Councilmember Willis requested that the Department provide a property appraisal for Fire Station #39.